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EXAMINER

CENTOLANZI, PATRICK M

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

| | | | |
|------------------------------|---------------------------------------|---|--|
| Office Action Summary | Application No. 10/593,975 | Applicant(s) KOSKINEN, KALEVI | |
| | Examiner PATRICK CENTOLANZI | Art Unit 3611 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 22 September 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,2 and 5-10 is/are rejected.
- 7) ☒ Claim(s) 3 and 4 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 22 September 2006 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>09/22/2006</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

This communication is a First Non-Final Office Action on the merits of the instant application filed 22 September 2006. Claims 1 – 10 as preliminarily amended are pending.

Drawings

1. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the propeller (as recited in Claims 9 and 10) must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as “amended.” If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either “Replacement Sheet” or “New Sheet” pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner,

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the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1 – 2, 5 – 6, and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Prestenbach (4,817,554) in view of Masumoto (5,638,908).

As per Claim 1, Prestenbach teaches a pontoon crawler track assembly, which is intended to be used as a crawler track-driven undercarriage in a working machine, such as an excavator, a drilling or a piling machine or like, operating particularly in water, which comprises
a mounting frame (116) and pontoon members (120), whereby
the mounting frame has coupling means to couple the pontoon crawler track assembly with the working machine (turntable 12) and
fastening means for attachment of the box-structured, hollow pontoon members at the sides of the mounting frame (116), whereby
each pontoon member is equipped with a crawler track arrangement (180), which is arranged moveable by way of an internal power transmission arrangement (140; Figure 2).

However, Prestenbach fails to explicitly disclose actuators that can adjust the width of the pontoon track crawler assemblies.

Masumoto teaches an apparatus for adjusting the width between crawler tracks of a working vehicle, whereby the breadth of the pontoon crawler track assembly is arranged adjustable (Abstract), characterized in that the pontoon crawler track assembly has actuators (10) for adjusting its breadth in a way that a working machine equipped with the pontoon crawler track assembly may be brought, by changing the distance between its pontoon members by means of said actuators, operating by auxiliary power, first of all into a narrowed position particularly with a view to road transportation or the like and on the other hand into a broadened position particularly with a view to operating in water (Figures 2 and 7).

Therefore, from the teaching of Masumoto, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the pontoon track crawler working vehicle as taught by Prestenbach to include actuators to change the width of the pontoons as taught by Masumoto. This allows changing the width of the vehicle (the pontoons) to allow both water operation and operation on roads (or hauling on a trailer on a road).

As per Claim 2, Presetenbach further teaches a pontoon crawler track assembly, whereby the power transmission arrangement, existing therein, comprises an endless power transmission means in each of its pontoon member, such as a chain (182), formed by pin joints of successive formed parts and that is arranged moveable by means of a wheel arrangement, such as a drive wheel and a turnover wheel and/or a

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support wheel arrangement or like (sprockets 152, 154, and 156), on the outer periphery of the pontoon member, whereby each successive crawler track part belonging to the crawler track arrangement (cleat 186) is attached to the endless power transmission means, characterized in that the pontoon crawler track assembly comprises one power transmission arrangement, being placed essentially at the center of each pontoon member (Figure 3), whereby each crawler track part of the crawler track arrangement is coupled with the power transmission means essentially from its middle (Figure 2).

As per Claims 5 and 6, the Prestenbach and Masumoto combination of Claim 1 above discloses all of the elements of the claimed invention, but fails to explicitly disclose attachment beams and hydraulic cylinders.

Masumoto teaches an apparatus for adjusting the width between crawler tracks of a working vehicle, wherein the fastening means are arranged by attachment beams (9), being attached to the pontoon members and that may be coupled with the mounting frame in a way enabling their mutual longitudinal movement, such as on telescope or slide rail principle or accordingly (Column 2, Lines 53 - 55; Figures 2 and 7).

Masumoto further teaches an apparatus for adjusting the width between crawler tracks of a working vehicle, characterized in that wherein the actuators, belonging to the pontoon crawler track assembly for adjustment of its breadth, are arranged by hydraulic cylinders (10), which are in a power transmitting connection with the mounting frame (chassis frame 2) and the pontoon members (track frame 8) and the amount of which

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corresponds to the amount of attachment beams, preferably two pieces per pontoon member (Figures 2 and 7).

Therefore, from the teaching of Masumoto, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the pontoon track crawler working vehicle as taught by the Prestenbach and Masumoto combination to include the attachment beams and hydraulic cylinders as taught by Masumoto. This allows changing the width of the vehicle (the pontoons) to allow both water operation and operation on roads (or hauling on a trailer on a road).

As per Claim 10, Prestenbach discloses an operator's cab (10; Figures 1 and 4).

It is old and well known in the art of working vehicles that the cab structure (10) contains a seat for the operator, controls for the vehicle and means to create and transmit power to various components of the vehicle.

3. Claims 7 and 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over the Prestenbach and Masumoto combination as applied to claim 1 above, and further in view of Francois (4,021,873).

The Prestenbach and Masumoto combination discloses all of the elements of the claimed invention, but fails to explicitly disclose auxiliary pontoons.

Francois teaches a watercraft comprising:
an auxiliary pontoon arrangement (38) in order to increase the carrying capacity of the pontoon crawler track assembly (Column 3, Line 13; Figures 3 and 5).

Francois further teaches a watercraft, characterized in that wherein the auxiliary pontoon arrangement (38) comprises an auxiliary pontoon (38) to be connected

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preferably on quick-release principle in connection with each pontoon member, such as at its outer surface and/or above the same (Column 3, Line 6; Figure 3 and 5).

Therefore, from the teaching of Francois, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the pontoon track crawler working vehicle as taught by the Prestenbach and Masumoto combination to include the auxiliary pontoons as taught by Francois. This allows the vehicle to have increased capacity.

4. Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over the Prestenbach, and Masumoto, and Francois combination as applied to claim 7 above, and further in view of Wilson, Jr. (6,918,801) and Hewitt (6,921,304).

The Prestenbach, and Masumoto, and Francois combination discloses all of the elements of the claimed invention, but fails to explicitly disclose an anchoring arrangement or a propeller.

Wilson, Jr. teaches an amphibious vehicle, wherein one or several pontoon members (16) is/are provided with an anchoring arrangement (22), which comprises one or several support beams or like (23) supporting the bottom of the pontoon crawler track assembly at the bottom and that are operated by auxiliary powered driving means (winch 48 or hydraulic cylinder 58) by moving the same in respect with the auxiliary pontoon in its direction of height (Figure 1).

Therefore, from the teaching of Wilson, Jr., it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the pontoon track crawler working vehicle as taught by the Prestenbach, Masumoto, and Francois

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combination to include the anchoring arrangement as taught by Francois. This allows the vehicle to be firmly anchored while in open water.

Hewitt teaches an amphibious vehicle comprising, a propeller arrangement for moving the pontoon crawler track assembly in open water (82; Figure 1).

Therefore, from the teaching of Hewitt, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the pontoon track crawler working vehicle as taught by the Prestenbach, Masumoto, Francois, and Wilson, Jr. combination to include the propeller as taught by Francois. This allows the vehicle to be moved while in open water.

Allowable Subject Matter

5. Claims 3 and 4 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

6. The following is a statement of reasons for the indication of allowable subject matter: The prior art of record neither teaches nor discloses a pontoon crawler track assembly, wherein

- a) the crawler track arrangement is formed of first crawler track parts and second crawler track parts, the second parts of which are essentially shorter than the first crawler track parts when viewed in a transverse direction, and that the longitudinal distance between the first crawler track parts is essentially greater than the total length of the mounting frame, which together with a cavity, existing in the internal side wall of the pontoon member, enable withdrawing of the

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mounting frame partially inside the pontoon member between the first crawler track parts (as recited in Claim 3), and

b) the pontoon members are arranged moveable in the transverse direction in an angle deviating essentially from horizontal plane particularly in order to adjust the operating height of the working machine (as recited in Claim 4).

Conclusion

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

US Patent 6,374,933 teaches a track vehicle track width adjustment.

US Patent 4,846,092 teaches an amphibious vehicle with improved cleat design.

US Patent 7,373,999 teaches a crawler-tracked vehicle with variable track width.

US Patent 4,938,546 teaches a flexible snowmobile cleat.

US Patent 3,715,146 teaches a snow cleat and track for tracked vehicle.

US Patent 4,961,395 teaches an amphibious vehicle with improved track securement and guide means.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to PATRICK CENTOLANZI whose telephone number is (571) 270-5791. The examiner can normally be reached on Monday - Thursday, 7:30 AM - 5:00 PM; Selected Fridays, 7:30 AM - 4:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lesley D. Morris can be reached on (571) 272-6651. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

PATRICK CENTOLANZI
Examiner
Art Unit 3611

PMC 12/04/08

/Paul N. Dickson/
Supervisory Patent Examiner, Art Unit 3600